

**Introduced by Senator Aanestad**

February 21, 2003

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An act to add Chapter 13 (commencing with Section 2950) to Division 3 of the Fish and Game Code, relating to habitat and conservation lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 643, as introduced, Aanestad. Agricultural Land Protection Act.

(1) Existing law establishes the Natural Community Conservation Planning Act, which authorizes the Department of Fish and Game to enter into agreements with any person or public entity for the purpose of preparing a plan to identify and provide for the measures necessary to conserve and manage natural biological diversity within the plan area, while allowing compatible and appropriate economic development, growth, and other human uses.

Existing law also establishes the Habitat Maintenance Funding Act, which authorizes local agencies to establish an assessment district for the improvement or maintenance of natural habitat, upon approval of the owner of the land to be improved.

This bill would enact the Agricultural Land Protection Act in order to provide a level of reasonable protection for landowners who own agricultural property adjacent to habitat and conservation lands. The bill would impose certain duties on the owners of land managed for habitat and conservation purposes, as defined, that is adjacent to agricultural property. The bill would authorize the owner of the agricultural property to recover damages from a governmental entity that designated the lands as habitat and conservation lands if damage

attributed to wildlife becomes an economic problem on adjacent agricultural property.

Since a violation of these provisions would be a crime under existing law, the bill would impose a state-mandated local program. To the extent the bill would impose additional duties on entities of local government, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 13 (commencing with Section 2950) is  
2 added to Division 3 of the Fish and Game Code, to read:

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4 CHAPTER 13. AGRICULTURAL LAND PROTECTION ACT

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6 2950. It is the intent of the Legislature, by enacting this  
7 chapter, to provide a level of reasonable protection for landowners  
8 who own agricultural property adjacent to habitat and  
9 conservation lands.

10 2951. "Land managed for habitat and conservation  
11 purposes," for purposes of this chapter, means land owned by any  
12 person, as defined in Section 711.2, and required by a state or local  
13 governmental agency, on or after January 1, 2004, to be managed  
14 for habitat and conservation purposes.

15 2952. A chemical spray buffer shall be placed upon land  
16 managed for habitat and conservation purposes.



1     2953. Each owner of land that is managed for habitat and  
2 conservation purposes and is located adjacent to agricultural  
3 property shall control rodents, pests, and noxious weeds on  
4 property managed for habitat and conservation purposes.

5     2954. If damage attributed to wildlife becomes an economic  
6 problem on adjacent agricultural property and the land designated  
7 for habitat and conservation is the proximate cause of the  
8 economic problem, the owner of the agricultural property may  
9 recover damages from the governmental entity that designated the  
10 land as habitat and conservation land.

11     2955. Any levee that is located on land managed for habitat  
12 and conservation purposes shall be maintained for the purposes of  
13 flood control.

14     2956. Each owner of land that is managed for habitat and  
15 conservation purposes, and that is adjacent to agricultural  
16 property, shall establish markers and borders on the boundaries of  
17 the habitat and conservation land to discourage trespassing on  
18 adjacent agricultural property.

19     2957. If threatened or endangered species become established  
20 on land managed for habitat and conservation purposes, the owner  
21 of the land managed for habitat and conservation purposes shall  
22 take appropriate measures to ensure that no owner of adjacent  
23 agricultural property is impaired in engaging in farming or  
24 ranching activities upon the agricultural property due to the  
25 establishment of the species.

26     2958. Each owner of land managed for habitat and  
27 conservation purposes shall meet with adjacent agricultural  
28 property owners on a quarterly basis to discuss issues, efforts, and  
29 activities that will optimally preserve both the habitat and  
30 conservation land and the agricultural property.

31     SEC. 2. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution for  
33 certain costs that may be incurred by a local agency or school  
34 district because in that regard this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within  
38 the meaning of Section 6 of Article XIII B of the California  
39 Constitution.

1     However, notwithstanding Section 17610 of the Government  
2     Code, if the Commission on State Mandates determines that this  
3     act contains other costs mandated by the state, reimbursement to  
4     local agencies and school districts for those costs shall be made  
5     pursuant to Part 7 (commencing with Section 17500) of Division  
6     4 of Title 2 of the Government Code. If the statewide cost of the  
7     claim for reimbursement does not exceed one million dollars  
8     (\$1,000,000), reimbursement shall be made from the State  
9     Mandates Claims Fund.

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